

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

GEORGE SCHUSSEL,
Defendant

) CRIMINAL NO. 04-10060-RCL

**DEFENDANT GEORGE SCHUSSEL'S MOTION FOR LEAVE TO FILE REPLY TO
GOVERNMENT'S RESPONSE TO HIS OBJECTIONS TO MAGISTRATE'S
FINDINGS AND RECOMMENDATION**

Now comes the defendant George Schussel in the above-captioned case and respectfully moves that this Honorable Court permit him to file a Reply to the Government's Response to Defendant's Objections to Magistrate's Findings and Recommendation on Motion to Suppress Government's Use and Acquisition of Privileged Materials and for Other Appropriate Relief, which Reply is submitted contemporaneously with this motion.

As reason therefore, defendant states that his Motion to Suppress Government's Use and Acquisition of Privileged Materials and for Other Appropriate Relief, which is addressed by the Magistrate Judge's Findings and Recommendation and which has been the subject of lengthy litigation, raises numerous critically important issues regarding the applicability of the attorney-client privilege, the crime-fraud exception, and the joint defense/common interest privilege. These issues are both factually and legally complex, and the government's Response to his objections contains both factual statements and legal arguments to which defendant believes a reply to be necessary so that the issues will be fully and fairly presented to the Court for its consideration.

Counsel has conferred with AUSA Carmen Ortiz, and she takes no position with respect to this motion.

Francis J. DiMento
Francis J. DiMento
DiMento & Sullivan
7 Faneuil Hall Marketplace
Boston MA 02109
(617) 523-2345

Respectfully submitted,
By his attorneys,

Martin G. Weinberg
Martin G. Weinberg
Mass. Bar No. 519480
20 Park Plaza, Suite 905
Boston MA 02116
(617) 227-3700

CERTIFICATE OF SERVICE

I, Martin G. Weinberg, hereby certify that on this 21st day of September, 2005, I served one copy of the foregoing motion, by hand-delivery, on Carmen M. Ortiz, AUSA, United States Attorney's Office, Moakley United States Courthouse, 9th floor, 1 Courthouse Way, Boston, Massachusetts 02210.

Martin G. Weinberg
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